



PATENT

THE UNITED STATES PATENT AND TRADEMARK OFFICE

(Case No. 98,736-A)

In re Application of:

Roderick Hall, et al.

Serial No.: 09/441,966

Filed: November 17, 1999

For: A METHOD FOR ACCELERATING
THE RATE OF MUCOCILIARY
CLEARANCE

Examiner: P. Tung

Art Unit: 1652

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ORIGINALLY FILED

Assistant Commissioner for Patents
Washington, D.C. 20231

TRANSMITTAL LETTER

In regard to the above identified application:

1. We are transmitting herewith the attached:

- a) Response to Office Action dated September 28, 2001;
- b) Third Supplemental Information Disclosure Statement;
- b) U.S. PTO 1449 Form (copy of 1 reference)
- c) Petition for Extension of Time (2 months); and
- b) Return Receipt Postcard

2. With respect to additional fees:

Please charge \$400 to our Deposit Account No. 13-2490

3. GENERAL AUTHORIZATION: Please charge any additional fees or credit overpayment to Deposit Account No. 13-2490. A duplicate copy of this sheet is enclosed.

4. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Asst. Commissioner for Patents, Washington, D.C. 20231 on this 13 day of December, 2001.

Dated:

Dec. 13, 2001

By:

Emily Miao
Reg. No. 35,285



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RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This paper is filed in response to the Office Action mailed on September 28, 2001. A petition for an extension of time (2 months) and requisite fee are attached.

The present invention relates to the use of serine protease inhibitors that stimulate the rate of mucociliary clearance of mucus and sputum in the airways of the lung. See the specification at page 4, lines 16-18. The Office Action contends the Group I-XVIII restriction is warranted since "[e]ach method differs in that a different protease inhibitor is used." See Office Action at page 5, paragraph 1. However, according to MPEP § 803:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

Applicant respectfully contends that Groups I-XVIII all reside within the same classification (class 514, subclass 2). Consequently, search and examination would not constitute

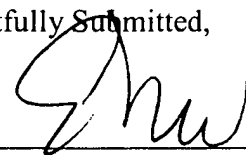
a serious burden on the examiner. Accordingly, applicant respectfully requests that the restriction requirement against the claims be withdrawn and all of the claims be examined in their entirety.

Reconsideration of this application is respectfully requested and a favorable determination is earnestly solicited.

Respectfully Submitted,

Date: December 13, 2001

By:



Emily Miao
Reg. No. 35,285